

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	No. 03-10370-DPW
)	
DOUGLAS BANNERMAN,)	
et al.)	

FINAL STATUS CONFERENCE REPORT

The United States of America and the defendants hereby submit this Final Status Conference Report pursuant to Local Rule 116.5(C).

Local Rule 116.5(C)(1)

The defendants Gary Newell and Jose Vezga have, by letters dated June 10, 2004, requested additional discovery. Other defendants have requested additional time in which to review the discovery that has already been provided, and determine whether there is additional discovery that they want to request. The government has assented to this allowance of additional time. These disclosures and reviews may result in discovery issues that have not been presented to or resolved by the Court.

Local Rule 116.5(C)(2)

At this point, it is too early to determine all the expert testimony the parties may seek to present. Should the parties be unable to stipulate as to the chemical analysis of the substances

seized in this case, the government will provide such information as to its chemist as is required under Fed. R. Crim. P.

16(a)(1)(E) no later than 30 days before trial. The defendants will provide any reciprocal expert discovery no less than 15 days before trial.

Local Rule 116.5(C)(3)

No defendant intends to raise a defense of insanity or public authority.

Local Rule 116.5(C)(4)

The government has not yet requested that the defendants provide notice of alibi.

Local Rule 116.5(C)(5)

No defendant has yet filed any motions. However, various defendants have notified the government that they are considering filing motions to suppress (1) the wiretap and (2) items seized from the defendant Newell's car. After further review of the discovery provided by the government, and any further discovery requests, motions, and disclosure, the defendants wish to reserve the right to file such motions. The government has no objection to such reservation of rights.

Local Rule 116.5(C)(6)

The parties do not request the setting of a schedule concerning any non-trial matter, with the exception of a further status conference, as requested in the motion filed on June 14

(or June 15) by Daniel Macauley and Douglas Bannerman.

Local Rule 116.5(C)(7)

The government has discussed with some of the defendants the possibility of an early resolution of the case without trial, but no agreement has been reached. The parties anticipate that these discussions will continue during the period between now and any further status conference date.

Local Rule 116.5(C)(8)

The parties agree that the following time periods are subject to excludable delay:

12/4/03:	Indictment returned
12/4/03-4/4/04:	Excluded by order of the Court (docket no. 76)
4/5/04-6/16/04:	Excluded by order of the Court (docket no. 100)

As of 6/16/04, **0 non-excludable days have passed, leaving 70 days until trial.**

Local Rule 116.5(C)(9)

In the event that this case proceeds to trial, with all defendants contesting the case, the parties estimate that the trial would last approximately four weeks.

Other Matters

None.

DOUGLAS BANNERMAN

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ James M. Merberg
JAMES M. MERBERG, Esq.

By: /s/ Rachel E. Hershfang
RACHEL E. HERSHFANG
Assistant U.S. Attorney

KURT WALTER

GARY NEWELL

By: /s/ Valerie Carter
WILLIAM CINTOLO, Esq.

By: /s/ Debra DelVecchio
DEBRA DELVECCHIO, Esq.

DANIEL MACAULEY

JOHN MCCARTHY

By: _____
KEVIN REDDINGTON, Esq.

By: _____
JACK DIAMOND, Esq.

JOHN GRAHAM

SCOTT MYERS

By: /s/ Adam Rowe
ADAM ROWE/WILLIAM CROWE, Esq.

By: /s/ Jonathan Shapiro
JONATHAN SHAPIRO, Esq.

JOSE VEZGA

By: /s/ Page Kelley
M. PAGE KELLEY, Esq.

Dated: June 16, 2004